



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.11882 of 2019

and

W.M.P. (MD)Nos.8978 and 14033 of 2019

Muslim Jammath,
Kottaipattinam,
Rep. by its Secretary,
A.Sherrif Abdullah

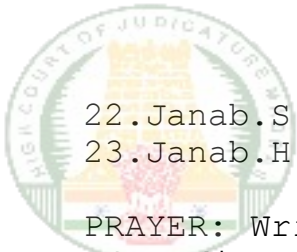
: Petitioner

Vs.

1.Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Road,
Vallal Seethakathi Nagar,
Chennai-01.

2.The Superintendent of Wakfs,
Trichy Zone,
Tamil Nadu Wakf Board,
Trichy.

3.Janab.M.H.Kadar Mohideen
4.Janab.A.Makka Thambi
5.Janab.H.Jamal Mohideen
6.Janab.M.K.A.Sahibu Gani
7.Janab.M.Haja Sherif
8.Janab.P.M.Syed Abudahir
9.Janab.P.S.Najumudeen
10.Janab.M.Asan Mydeen
11.Janab.A.Haja Nijamudeen
12.Janab.Shajahan
13.Janab.J.Abdul Kadhar
14.Janab.M.Shahul Hamed Badhusa
15.Janab.I.Kalanthar
16.Janab.A.Tajudeen
17.Janab.M.Amanullah
18.Janab.M.S.Naina Mohamed
19.Janab.K.Habib Rahuman
20.Janab.M.Mohamed Saliku
21.Janab.J.Raj Mohammed



22.Janab.S.Zair Khan
23.Janab.H.Mohamed Iqbal

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order in செ.மு.ஆணை எண் 12873/97/ஆ5/புதுகை, dated 08.03.2019 (served on 07.05.2019) issued by the first respondent and quash the same.

For Petitioner : Mr.R.Devaraj
For Respondent No.1 : Mr.S.A.S.Alaudeen
For Respondent No.2 : Mr.N.Mohideen Basha
For Respondents 4,7,11,15&16: Mr.S.Meenakshi Sundaram,
Senior Counsel,
For Mr.K.Baalasundharam
For Respondents 3,5,6,8,9,10,
12,13,14,17 to 23 : No Appearance

ORDER

The order under challenge in this Writ Petition is the appointment of additional members to the Adhoc Committee by the first respondent Waqf Board.

2. Originally, the first respondent appointed Sub-Committee for a period of three years vide proceedings in Na.Ka.No.12873/97/A5, Pudukkottai, dated 28.08.2018. The Committee was approved vide proceedings in செ.மு.ஆணை எண் 12873/97/ஆ5/புதுகை, dated 29.08.2018. Thereafter, 9 members from the said Committee have resigned on their own volition. Thus, the remaining 22 members were approved for a period of three years till 27.08.2021. After that, it appears that additional 21 members were appointed by Special Resolution No.13, dated 06.03.2019 to function till 27.08.2021. While doing so, the Waqf Board has directed to elect President, Secretary and Treasurer from among the total number of 43 members.

3. The contention of the petitioner is that while making modification, no notice was issued to them and it was done with an oblique motive to defeat the power of the office bearers of the first Committee. In fact, no representation was received from anyone. Therefore, the attempt of the first respondent is *mala fide* and hence, the order impugned is liable to be set aside.

4. On the other hand, the learned Senior Counsel appearing for the newly inducted parties would contend that against an order passed under Section 67 of the Waqf Act, 1995, an appeal is provided under the Act. Therefore, without exhausting the remedy, the Writ Petition is not maintainable and that they are not contesting for the position of President, Secretary and Treasurer and, therefore, it is not cause of action for the petitioner to agitate the order.



5. I have considered the submissions.

6. It is true that in the reference cited in the impugned order dated 08.03.2019, there is no request for appointing additional 21 members to the Sub-Committee. The requirement is also not justified in the order. However, in modification of the previous order, additional number of persons were appointed and the tenure shall continue till 27.08.2021. Therefore, addition made to the Committee will not warrant any election for the subsequent period. These additional members will join the existing Sub-Committee and function in tandem with the existing Committee. Therefore, as submitted by the learned Senior Counsel appearing for the newly inducted parties, the existing President, Secretary and Treasurer can continue as Office bearers to steer the Sub-Committee with the additionally appointed members to the Sub-Committee till 27.08.2021.

7. The Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

SML

To

1.Tamil Nadu Wakf Board,
Rep. by its Chief Executive Officer,
No.1, Jaffar Syrang Road,
Vallal Seethakathi Nagar,
Chennai-01.

2.The Superintendent of Wakfs,
Trichy Zone,
Tamil Nadu Wakf Board,
Trichy.

+1 CC to M/s.K. BAALASUNDHARAM, Advocate (SR-97449[F] dated 12/11/2019)

Order made in
W.P. (MD)No.11882 of 2019
Dated: 11.11.2019

JMN(03.12.2019) 3P : 4C